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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, TUAN DUC

ART UNIT PAPER NUMBER

2643

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,253

Applicant(s)

VAN HALTEREN ET AL.

Examiner

Tuan D. Nguyen

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 4 and 5. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 9, 10, 12, 13, 15, 16, 20-25, 31, 35, 36, 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent number 4,854,415 (Goschke).

Regarding claim 1, Goschke discloses an acoustic receiver, comprising: means (4, 6) for converting an input audio signal into an acoustic signal; a housing (4, 6) surrounding said converting means; and a jacket (7, 8) surrounding at least a portion of said housing.

Regarding claim 2, Goschke discloses an acoustic receiver, comprising: means (4, 6) for converting an input audio signal into an acoustic signal; a housing (4, 6) having a plurality of sides that surround said converting means, one of said sides including an output port (3, 5) for broadcasting said acoustic signal; and a jacket (7, 8) having at least three sections for engaging at least three of said sides, said three sections being generally flat and lying on respective ones of said sides.

Regarding claim 9, Goschke further discloses wherein said jacket is adapted to dampen vibration (14) of said housing.

Regarding claim 10, Goschke also shows wherein said jacket is adapted to enhance the structural integrity of said housing (figure 1).

Regarding claim 12, Goschke does not disclose wherein said converting means includes electromagnetic components and a diaphragm. However, These elements are inherent.

Regarding claim 13, Goschke also shows wherein said jacket is preconfigured to be press-fit onto said housing (figure 1).

Regarding claim 15, Goschke wherein said jacket is adhered (12) to said housing.

Regarding claim 16, Goschke further including a layer of acoustical dampening material (14) below said jacket.

Regarding claim 20, Goschke discloses a transducer, comprising: means (4) for converting between an acoustic signal and an audio signal; a housing (4) surrounding said converting means; and a jacket (7, 8) surrounding at least a portion of said housing.

Regarding claim 21, Goschke also discloses wherein said transducer is a microphone (6).

Regarding claim 22, Goschke further discloses wherein said transducer is a receiver (1).

Regarding claim 23, Goschke further discloses wherein said jacket is adapted to

dampen vibration (14) of said housing.

Regarding claim 24, Goschke further discloses further in combination with a second transducer (6) having a second housing (6), said jacket surrounding at least a portion of said housing of said transducer and at least a portion of said second housing of said second transducer.

Regarding claim 25, Goschke discloses a microphone (6), comprising: means for converting an acoustic signal into an audio signal; a housing (6) having a plurality of sides that surround said converting means, one of said sides including an input port (5) for receiving said acoustic signal; and a jacket (8) having at least three sections for engaging at least three of said sides, said three sections being generally flat and lying on respective ones of said sides.

Regarding claim 31, Goschke discloses an acoustic receiver (1), comprising: means (4) for converting an input audio signal into an acoustic signal; a housing (4) having six sides that surround said converting means, one of said sides including an output port (3) for broadcasting said acoustic signal; and a jacket (7) having a rectangular cross-section for closely interfitting with four of said six sides.

Regarding claim 35, Goschke further including a dampening material (14) between said jacket and said housing.

Regarding claim 36, Goschke discloses an acoustic receiver (1), comprising: means (4) for converting an input audio signal into an acoustic signal; a housing (4) having sides that surround said converting means, one of said sides including

an output port (3) for broadcasting said acoustic signal; and an epoxy jacket (7) encapsulating said housing.

Regarding claim 42, Goschke discloses an acoustic receiver (1), comprising: means (4) for converting an input audio signal into an acoustic signal; a housing (4) having a plurality of sides that surround said converting means, one of said sides including an output port (3) for broadcasting said acoustic signal; a jacket (7) spaced away from said housing; and an acoustic dampening material (14) positioned between said jacket and said housing.

Regarding claim 43, Goschke also discloses wherein said dampening material is silicone (column 2 line 19).

Regarding claim 44, Goschke further discloses wherein said dampening material is a resilient material (column 1 lines 29-50).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 26, 28, 37 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent number 4,854,415 (Goschke) in view of U.S. patent number 6,456,720 (Brimhall et al).

Regarding claim 26, Goschke discloses an acoustic receiver (1), comprising: means (4) for converting an input audio signal into an acoustic signal; a housing (4) having a plurality of sides that surround said converting means, one of said sides including an output port (3) for broadcasting said acoustic signal; a jacket (7) having sections for engaging said sides, one of said sections and a corresponding side forming a gap (figure 1) therebetween.

Goschke does not disclose a printed circuit board located at least partially within said gap, said printed circuit board including electronics for processing said input audio signal.

However, the printed circuit board is well known for instant, Brimhall et al discloses a printed circuit board for a hearing aid.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use the well known printed circuit board by Brimhall et al in Goschke for easily connecting electrical components and assembly.

Regarding claims 11, 28, 37 and 47, these claims include a printed circuit board. Therefore, these claims are rejected for the same reason as in claim 26 above.

5. Claims 3-8, 14, 17-19, 26, 27, 29, 30, 32-34, 38-41, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent number 4,854,415 (Goschke).

Regarding claims 3-8, 27, 32, 34, 38 and 39, Goschke does not disclose a polymetric material.

However, this material is well known such as Kapton, stainless steel, a soft magnetic material, epoxy layer, etc.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use the well known material in Goschke.

Regarding claims 17-19, 30, 40, 41, 45 and 46, Goschke does not disclose a specific shape such as D, cylindrical or trapezium shape.

However, Goschke does not restrict to any specific shapes.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use a different shape for a particular application.

Regarding claims 14 and 33, Goschke does not disclose the jacket is welded.

However, the welding is well known in the art.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use the well known welding in Goschke for bonding the jacket and the housing.

Regarding claim 29, Goschke does not disclose an amplifier.

However, the amplifier is well known in the art.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use the well known amplifier for magnifying a sound.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan D. Nguyen whose telephone number is (703) 305-7168. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of patents and trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TDN
12/10/03


CURTIS KUNTZ
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